

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

JENNIFER MILLER,

Plaintiff,

v.

CLUB DEMONSTRATIONS SERVICES, INC.,

Defendant.

CIVIL ACTION NO. 13-2627 (MLC)

O P I N I O N

THE PLAINTIFF, Jennifer Miller, brings the action against her former employer, the defendant, Club Demonstrations Services, Inc. ("CDSI"). (See dk. entry no. 1, Notice of Removal, Ex. A, Compl.) Miller alleges that CDSI violated her rights under the New Jersey Conscientious Employee Protection Act, N.J.S.A. § 34:10-1, et seq. ("CEPA"). (See id. at 1-3.)

CDSI now moves to compel arbitration of the underlying dispute. (See dk. entry no. 7, Notice of Mot.; see also dk. entry no. 7-1, Br. in Supp. at 6-16.)¹ Insofar as CDSI seeks to compel arbitration, Miller does not oppose the Motion. (See dk. entry no. 9-4, Opp'n Br. at 2, 3.) For good cause appearing, the Motion will thus be granted insofar as CDSI seeks to compel

¹ CDSI also moved to dismiss the Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) and CEPA's one-year statute of limitations. (See Notice of Mot.; Br. in Supp. at 1-6.) However, insofar as CDSI earlier sought that form of relief, CDSI has withdrawn that request. (See dk. entry no. 10, Reply Br. at 1.)

arbitration of the dispute underlying the Complaint. The Court will order the parties to proceed to arbitration, as set forth by the terms of their arbitration agreement. (See dkt. entry no. 7-2, Epstein Certification, Ex. B, Arbitration Agreement.)

THE COURT will stay the action "until such arbitration has been had in accordance with the terms of the" Arbitration Agreement. 9 U.S.C. § 3; see Quilloin v. Tenet HealthSys. Phila., Inc., 673 F.3d 221, 227 n.2 (3d Cir. 2012) (noting that "a stay, rather than a dismissal, is the required course of action when compelling arbitration"); Lloyd v. HOVENSA, LLC, 369 F.3d 263, 268-69 (3d Cir. 2004).

THE COURT will enter a separate Order.

s/ Mary L. Cooper
MARY L. COOPER
United States District Judge

Dated: July 11, 2013